

## **COUNTY OF FAIRFAX, VIRGINIA**

### **SPECIAL PERMIT RESOLUTION OF THE BOARD OF ZONING APPEALS**

DAVID LAUX AND TARA LONG, SP 2013-MA-041 Appl. under Sect(s). 8-914 and 8-922 of the Zoning Ordinance to permit reduction in minimum yard requirements based on error in building location to permit accessory storage structure to remain 1.1 ft. from side lot line and reduction of certain yard requirements to permit construction of addition 7.5 ft. from side lot line. Located at 4613 Randolph Dr., Annandale, 22003, on approx. 24,798 sq. ft. of land zoned R-2. Mason District. Tax Map 71-2 ((11)) 6. (Concurrent with VC 2013-MA-007). Mr. Byers moved that the Board of Zoning Appeals adopt the following resolution:

WHEREAS, the captioned application has been properly filed in accordance with the requirements of all applicable State and County Codes and with the by-laws of the Fairfax County Board of Zoning Appeals; and

WHEREAS, following proper notice to the public, a public hearing was held by the Board on August 7, 2013; and

WHEREAS, the Board has made the following findings of fact:

1. The applicants are the owners of the land.
2. The Board had testimony from both the applicant and the next-door neighbor that the shed was in place three to four years prior to the property actually being purchased.
3. It appears to be well screened with mature trees in the backyard at least from the front, and the next-door neighbor indicated there is a fence in between the properties.
4. This was not the result of a complaint.
5. Staff recommends approval for the addition, and the Board concurs with staff's analysis.

THAT the applicant has presented testimony indicating compliance with Sect. 8-006, General Standards for Special Permit Uses, and the additional standards for this use as contained in the Zoning Ordinance. Based on the standards for building in error, the Board has determined:

- A. That the error exceeds ten (10) percent of the measurement involved;
- B. The non-compliance was done in good faith, or through no fault of the property owner, or was the result of an error in the location of the building subsequent to the issuance of a Building Permit, if such was required;
- C. Such reduction will not impair the purpose and intent of this Ordinance;
- D. It will not be detrimental to the use and enjoyment of other property in the immediate vicinity;

- E. It will not create an unsafe condition with respect to both other property and public streets;
- F. To force compliance with the minimum yard requirements would cause unreasonable hardship upon the owner; and
- G. The reduction will not result in an increase in density or floor area ratio from that permitted by the applicable zoning district regulations.

AND, WHEREAS, the Board of Zoning Appeals has reached the following conclusions of law:

- 1. That the granting of this special permit will not impair the intent and purpose of the Zoning Ordinance, nor will it be detrimental to the use and enjoyment of other property in the immediate vicinity.
- 2. That the granting of this special permit will not create an unsafe condition with respect to both other properties and public streets and that to force compliance with setback requirements would cause unreasonable hardship upon the owner.

NOW, THEREFORE, BE IT RESOLVED that the subject application is **APPROVED**, with the following development conditions:

- 1. These conditions shall be recorded by the applicant among the land records of Fairfax County for this lot prior to the issuance of a building permit. A certified copy of the recorded conditions shall be provided to the Zoning Permit Review Branch, Department of Planning and Zoning.
- 2. This special permit is approved for the location and size, approximately 1,430 square feet for the proposed addition, and the shed as shown on the plat prepared by Dominion Surveyors Inc., dated November 7, 2012, as submitted with this application and is not transferable to other land.
- 3. Pursuant to Paragraph 4 of Section 8-922 of the Zoning Ordinance, the resulting gross floor area of an addition to the existing principal structure may be up to 150 percent of the gross floor area of the dwelling that existed at the time of the first expansion (2,458 square feet existing + 3,888 square feet (150%) = 6,145 square feet maximum permitted on lot) regardless of whether such addition complies with the minimum yard requirement or is the subject of a subsequent yard reduction special permit. Notwithstanding the definition of gross floor area as set forth in the Ordinance, the gross floor area of a single family dwelling for the purpose of this paragraph shall be deemed to include the floor area of any attached garage. Subsequent additions that meet minimum yard requirements shall be permitted without an amendment to this special permit.

4. The addition shall be generally consistent with the architectural drawings as depicted on Attachment 1 to these conditions.
5. All applicable permits and final inspections shall be obtained for the accessory storage structure within six months of approval of this application.

This approval, contingent upon the above-noted conditions, shall not relieve the applicant from compliance with the provisions of any applicable ordinances, regulations or adopted standards.

Pursuant to Sect. 8-015 of the Zoning Ordinance, this special permit shall automatically expire, without notice, thirty (30) months after the date of approval unless construction has commenced and has been diligently prosecuted. The Board of Zoning Appeals may grant additional time to commence construction if a written request for additional time is filed with the Zoning Administrator prior to the date of expiration of the special permit. The request must specify the amount of additional time requested, the basis for the amount of time requested, and an explanation of why additional time is required.

Mr. Hammack seconded the motion, which carried by a vote of 4-0. Mr. Beard, Mr. Smith, and Ms. Gibb were absent from the meeting.

A Copy Teste:



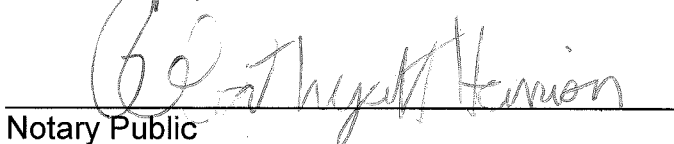
Kathleen A. Knoth  
Clerk to the Board of Zoning Appeals

#### ACKNOWLEDGEMENT

County of Fairfax  
Commonwealth of Virginia

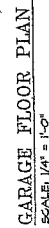
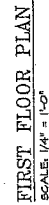
The foregoing instrument was acknowledged before me this 20 day of

August, 2013.

  
Notary Public

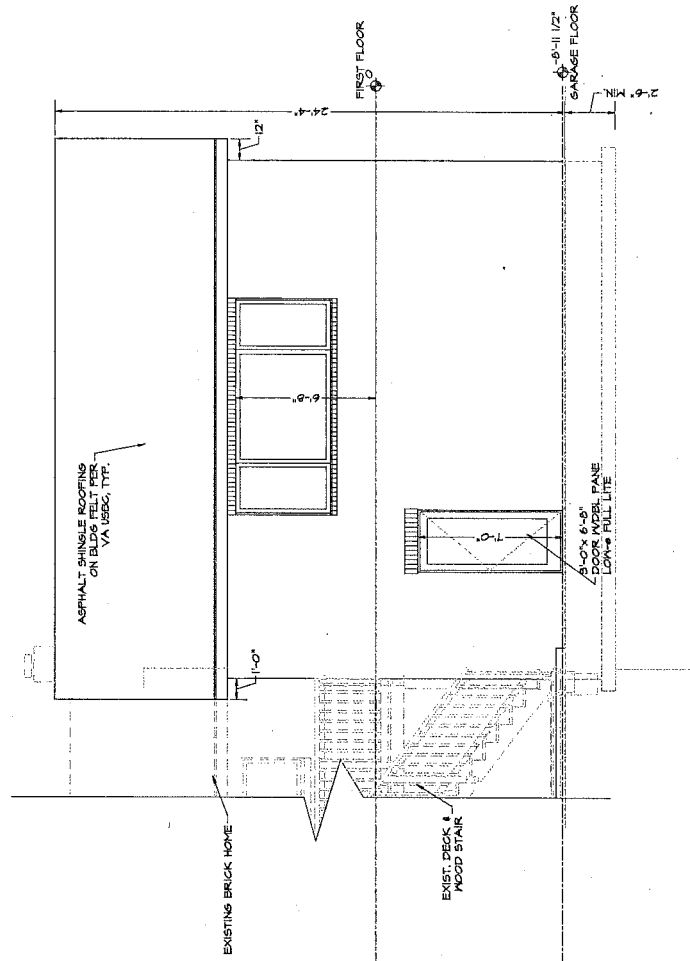
My commission expires: 9-30-2017





Date	Action
	Contractors shall verify all dimensions and locations of all structures and utilities shown on the plan. Any discrepancies between construction documents and field conditions shall be reported to the Engineer immediately. The Engineer shall be notified of any discrepancies in writing within 48 hours of discovery. The Engineer shall be notified of any discrepancies in writing within 48 hours of discovery. The Engineer shall be notified of any discrepancies in writing within 48 hours of discovery.

PLANS



REAR/ EAST ELEVATION  
SCALE: 1/4" = 1'-0"

Ned Pottenberger, AIA  
Architecture & Art

GARAGE ADDITION for  
LONG/LAUX RESIDENCE

Date	Action
9/26/2018	SUBMIT TO OWNER REVIEW




Contractors shall verify all dimensions and conditions of existing structure. Any discrepancies shall be noted and resolved before construction begins. The contractor shall be responsible for all construction of the project.

